

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

V.

.JUSTIN GRAY LIVERMAN

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CASE NO: 1:16-cr-00313

The Honorable Gerald Bruce Lee

Sentencing: July 28, 2017

DEFENSE MOTION TO CONTINUE

COMES NOW Defendant, by counsel, and requests that the hearing date for the matters styled above be continued, and in support thereof states as follows:

1. This matter is presently scheduled for sentencing on July 28, 2017;
2. This sentencing was previously continued by the Court due to unavailability of the judge on the date when this matter was originally scheduled;
3. New issues have developed over the past month that defense counselors believe necessitate the defendant to undergo a mental health evaluation and testing;
4. The defense was able to secure the services of a mental health professional, however, the defendant was detained in North Carolina and counselors and the expert did not have the ability to meet with the defendant;
5. Even though sentencing is a week away and defendant has been in custody for many weeks, defendant was transported to the Alexandria Detention Center just yesterday, July 20, 2017;

6. In a good faith effort to quickly evaluate our client, counsel reached out to the jail on July 20 and July 21, 2017, to obtain permission for professional visitation for the mental health analysis, but as of 2 PM on Friday, July 21, 2017, we have not been granted access to our client for this purpose;¹

7. Without the mental health evaluation and testing, an opportunity for defense counsel to understand the findings, and an opportunity for counsel to discuss the matter with our client, defense cannot proceed with sentencing on July 28, 2017;

8. Defense counsel is now certain that we will not be able to go forward with sentencing on July 28, 2017;

9. Defendant is in custody and is not at flight risk;

10. Government counsel has been advised of this request in advance. Government counsel does not have an objection to the continuance requests and leaves this decision to the Court;

11. The parties have conferred and agreed that September 11, 2017 is an agreeable sentencing date for all parties, if this Court grants this defense motion to continue.

WHEREFORE, Undersigned Counsel respectfully requests that this Honorable Court continue the hearing date for this matter.

Respectfully Submitted,
By Counsel:

/s/

¹ The Alexandria Adult Detention Center requires permission from a Watch Commander for the purpose of a mental health evaluation, who must then obtain additional permission from the US Marshals.

Marina Medvin, VSB # 78820
Attorney for Defendant
MEDVIN LAW PLC
916 Prince Street, Ste. 109
Alexandria, Virginia 22314
Tel: 888.886.4127
Fax: 703.870.3772
Email: marina@medvinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2017, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following attorneys and the attorneys who have entered their appearance for this matter: Maya D. Song maya.song@usdoj.gov.

Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy print copy of the foregoing will be delivered to Chambers within one business day of the electronic filing.

/s/
Marina Medvin, VSB # 78820
Attorney for Defendant
MEDVIN LAW PLC
916 Prince Street, Ste. 109
Alexandria, Virginia 22314
Tel: 888.886.4127
Fax: 703.870.3772
Email: marina@medvinlaw.com